

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRYL McGORE,

Plaintiff,

Case No. 1:10-cv-355

v.

Honorable Paul L. Maloney

UNKNOWN CROMPTON,

Defendants.

ORDER DENYING LEAVE TO PROCEED
IN FORMA PAUPERIS ON APPEAL

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On April 28, 2010 (docket ##7, 8), the Court entered an opinion and order denying Plaintiff leave to proceed *in forma pauperis* because he has “three strikes” within the meaning of 28 U.S.C. § 1915(g). Plaintiff filed an interlocutory appeal (docket #13), which was subsequently dismissed for lack of prosecution (docket #17). In the interim, Plaintiff failed to pay the filing fee in the required time period, and the Court dismissed the action on June 10, 2010 (docket #15). In the dismissal, the Court warned Plaintiff that should he file a notice of appeal, he would be required to pay the \$455.00 filing fee in a lump sum, because he is prohibited from proceeding *in forma pauperis* on appeal by § 1915(g).

Plaintiff subsequently sought relief from judgment on multiple occasions, the most recent of which was denied on November 10, 2010. Plaintiff now has filed a notice of appeal, but has failed to submit the \$455.00 filing fee. As outlined in the Court's memorandum opinion and order denying him pauper status based on § 1915(g), Plaintiff is barred from proceeding *in forma pauperis* on this appeal. Plaintiff has twenty-eight (28) days from the date of entry of this order to pay the entire filing fee for appealing a civil action, which is \$455.00, to the Clerk of this Court. Plaintiff's failure to comply with this order may result in dismissal of this appeal without prejudice by the Sixth Circuit Court of Appeals.

Dated: May 17, 2011

/s/ Paul L. Maloney

Paul L. Maloney

Chief United States District Judge

SEND REMITTANCES TO THE FOLLOWING ADDRESS:

Clerk, U.S. District Court
399 Federal Building
110 Michigan Street, NW
Grand Rapids, MI 49503

All checks or other forms of payment shall be payable to "Clerk, U.S. District Court."